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Subject: Haberman v. PNC
From: SGoldsmit@sgoldsmithlawoffice.com
Date: Tue, Feb 14, 2012 12:21 pm
To: "Latoshia Payne" <llpayne@vorys.com>
Cc: "Jim Manchee" <jim@mancheelawfirm.com>, gmccarrell@sgoldsmithlawoffice.com

Latoshia –

We have a number of outstanding issues that need attention.

First, as I mentioned last month when we met in Sherman, I would appreciate you providing contact information for who will be handling this matter for you while you are on maternity leave. Since your departure is imminent I suspect (if you aren't gone already), please let me know who I should be including on communications such as this in your absence.

Second, we need to button down a mediator ASAP since, per the Scheduling Order, we were supposed to inform the Court of our choice more than a week ago. Have you looked over the names proposed by Jim Manchee? Do you agree to one of those, or do you have someone else in mind for us to consider? As a reminder, the mandatory mediation needs to be completed by March 19.

Third, I have not heard back from you in response to my email from two weeks ago inquiring about the documents ordered to be produced by Judge Mazzant. Tomorrow will be 3 full weeks since the judge ruled. Thus, if I do not have those documents by Friday I will be forced to go back to the Court with a motion for sanctions.

Fourth, in connection with the document issue, please propose some deposition dates for Plaintiff's outstanding Rule 30(b)(6) Notice of Deposition. I would like to complete that deposition by the first week of March if possible.

Fifth, I have received and reviewed your filing regarding Defendant's expert witness designation. With all due respect, this designation does not even remotely conform to the Court's Scheduling Order in this case. You are obligated to provide specific name and address information of any person you intend to call as an expert witness, and also provide a written report that complies with Rule 26(a)(2). You have failed to do so. While Plaintiff reserves the right to object to any such expert on these grounds alone, I ask that you supplement your disclosure immediately.

Finally, when we were in Sherman for the motion to compel hearing last month, we briefly discussed the fact the Defendant has not given Plaintiff the courtesy of a response to his settlement demand made back in December. Please provide me with a written response, or confirm for me in writing that Defendant does not wish to engage in any meaningful settlement discussions at this time.

Sylvia A. Goldsmith, Esq.

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